

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GEORGE B. SKIDMORE,)
)
 Plaintiff,) 8:08CV01
)
vs.) ORDER
)
ACI WORLDWIDE, INC., a/k/a ACI,)
f/k/a TRANSACTION SYSTEMS)
ARCHITECTS, INC.,)
)
Defendant.)

This matter is before the court on the defendant's Motion to Compel Plaintiff George B. Skidmore's Witness List ([Filing No. 104](#)). The plaintiff filed a response ([Filing No. 106](#)) resisting the motion. The court held a telephone conference with counsel for the parties on July 21, 2010.

The defendant's motion seeks an order compelling the plaintiff to file a trial witness list. During the conference, the plaintiff's counsel explained the plaintiff filed the list on April 30, 2009, in accordance with the case progression order. The defendant's counsel conceded she failed to confer with the plaintiff's counsel prior to filing the motion to compel as required by [NECivR 7.0.1\(i\)](#) and [Fed. R. Civ. P. 37\(a\)](#). Accordingly, the defendant's motion to compel is denied. Under the circumstances, no sanctions will be awarded to the plaintiff. Upon consideration,

IT IS ORDERED:

1. The defendant's Motion to Compel Plaintiff George B. Skidmore's Witness List ([Filing No. 104](#)) is denied.

2. The plaintiff's Resistance to Motion to Compel ([Filing No. 106](#)) is sustained.

DATED this 21st day of July, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge